

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No.: 4:13-cr-58-HEA (SPM)
)
JEFFREY ELLERBECK,)
)
Defendant.)

SECOND MOTION TO CONTINUE SENTENCING

COMES NOW Defendant, Jeffrey Ellerbeck, by and through counsel, and hereby moves this Court to continue the sentencing currently scheduled for October 28, 2013 for a period of four (4) weeks to November 25, 26 or 27, 2013. In support of this motion, Defendant states as follows:

1. Defendant entered a change of plea on June 24, 2013.

2. Counsel has been inundated with sentencing along with the

accompanying sentencing memoranda in the last week and upcoming couple of weeks including:
United States v. Jeffrey Horst, cause number 4:13-cr-59 JAR, United States v. Derek Doherty, cause number 4:12-cr-303 ERW, United States v. Matthew Hansen, cause number 4:13-cr-26 JCH as well as a Boone County state matter, State of Missouri v. Michael Cernuto, cause number 10BA-cr-05604

3. Counsel is also currently preparing for trial beginning November 4, 2013 in

United States v. DeMario Malone, cause number 3:12-cr-30330 DRH.

4. These obligations and others, in addition to counsel's regular routine of court

appearances and jail visits, left counsel insufficient time to prepare adequately for Defendant Ellerbeck's October 28, 2013 sentencing.

5. For these reasons, Defendant files the instant motion.

6. Defendant, through counsel, has discussed this matter with assistant United States attorney Stephen Casey. Mr. Casey has no objection to Defendant's request.

WHEREFORE, Defendant respectfully requests this Honorable Court continue the sentencing currently scheduled for October 28, 2013 for a period of four (4) weeks to November 25, 26 or 27, 2013.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

By: /S/ Marc Johnson
MARC M. JOHNSON #58065 MO
Attorney for Defendant
120 S. Central Avenue, Suite 130
Clayton, Missouri 63105
(314) 862-4332/Facsimile (314)862-8050

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2013, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Mr. Stephen Casey, assistant United States attorney.